

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

WHEREAS, while the majority of tow companies are reputable service providers, some unscrupulous companies have engaged in predatory pricing practices for vehicles impounded from private property; and

WHEREAS, predatory towing practices include charging unwarranted or excessive fees, particularly in connection with impounding vehicles from private parking lots that may not display warnings to the vehicle owners, or overcharging consumers for towing services provided under circumstances where consumers have no meaningful opportunity to withhold consent; and

WHEREAS, the legitimate business interests of tow truck ~~operators~~ companies and the needs of private property owners for relief from unauthorized parking must be balanced with the public interest in providing appropriate protection to consumers; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** The City Council finds that it is in the public interest to prevent predatory towing practices, including charging unwarranted or excessive fees in connection with impounding vehicles from private parking lots or overcharging consumers for towing services provided under circumstances where the consumer has no meaningful opportunity to withhold consent. The City Council further finds that a maximum tow rate based on the highest towing rate allowed in Seattle Police Department contracts for public impounds and adjusted for costs applicable to private property impounds and a margin of profit is reasonable and compensatory.

1           **Section 2:** Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060,  
2 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140,  
3 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code, which relate to  
4 towing operators and tow truck licenses, and which were last amended by Ordinances 110373,  
5 109080, 109622, and 117242, and which are shown in Attachment A, are repealed.

6  
7           **Section 3:** The name of Chapter 6.214 of the Seattle Municipal Code is amended as  
8 follows: (~~TOWING OPERATOR AND TOW TRUCK LICENSES~~) TOW COMPANY  
9 LICENSES AND REGULATIONS

10  
11           **Section 4:** New Sections 6.214.200 through 6.214.360 are added to the Seattle Municipal  
12 Code as follows:

13  
14           **6.214.200 Definitions**

15 For the purpose of this Chapter 6.214:

16           “Class A”, “Class D” and “Class E” tow trucks have the same meaning as defined in  
17 Section 204-91A-170 of the Washington Administrative Code

18           “Director” means the Director of Finance and Administrative Services or his or her  
19 authorized representative.

20           "Impound" means to take and hold a vehicle in legal custody.

21           “Office”, “business office”, and “place of business” have the same meaning as “office” and  
22 “place of business” as defined in Section 5.30.040.

23           “Person” means an individual, a sole proprietorship, partnership, corporation, limited  
24 liability company or any other business entity.

25           “Private impound” means that the vehicle has been impounded at the direction of a person  
26 having control or possession of the private property upon which the vehicle was located.

1 "Public impound" means that the vehicle has been impounded at the direction of a law  
2 enforcement officer or by a public official having jurisdiction over public property upon which  
3 the vehicle was located.

4 "Tow company" means a person engaged in the business of impounding, transporting, or  
5 storage of unauthorized vehicles or the disposal of abandoned vehicles for compensation, but  
6 does not include an employee of such a business who does not have an ownership interest.

7 "Towing service" means the public or private impound of a vehicle by a tow company.

8 "Tow truck" means a vehicle used to render towing service but shall not include a vehicle  
9 used by a vehicle reposessor working on contract for the owner of the legal title to a vehicle.

10 "Tow truck ~~driver-operator~~" means any individual who operates or uses a tow truck on  
11 behalf of a tow company for the purpose of providing towing service.

12 "Uncompleted tow" means a situation in which the tow truck ~~operator-driver~~ has not  
13 completed all of the necessary steps associated with preparing a vehicle for a tow and has not yet  
14 begun to operate the tow truck with the vehicle in tow. ~~gained custody of a vehicle to be towed~~  
15 by hooking it to the tow truck and raising the vehicle's wheels off the ground but the vehicle  
16 operator has returned and requested its release before the tow truck operator has begun to operate  
17 the tow truck with the vehicle in tow.

18 "Vehicle" means every device capable of being moved upon a street and in, upon, or by  
19 which any person or property is or may be transported or drawn upon a street.

20 "Vehicle operator" means any person operating a vehicle with legal authority to do so.

## 21 **6.214.210 Tow company operating requirements**

22 A. As of March 1, 2013, it is unlawful for any tow company to operate or cause to operate  
23 within Seattle city limits any tow truck for the purpose of providing towing service unless:  
24

25 1. The tow company has a valid tow company license issued under this Chapter  
26 6.214.

1                   2. The tow company has a current registration certificate required by RCW  
2 46.55.020.

3           B. Any tow company engaging in or offering to engage in towing service within Seattle city  
4 limits in violation of this Section 6.214.210 is guilty of a misdemeanor.

5  
6                   **6.214.220 Maximum private impound fees for towing service, uncompleted tow,  
7 storage, and after-hours release**

8           A. Towing service fee: The maximum hourly fee that tow companies may charge for  
9 towing service for private impounds shall be no more ~~\$209-183~~ for the first hour and \$130.60 for  
10 the second and subsequent hours for tows conducted with a Class A, D, or E tow truck. The  
11 Director shall adjust this rate by rule for inflation on an annual basis following publication of the  
12 preceding year's percentage change in the annual [Seattle-Tacoma-Bremerton](#) Consumer Price  
13 Index for all ~~u~~Urban ~~e~~Consumers (CPI-U) ~~Transportation-Seattle-Tacoma-Bremerton, WA~~  
14 ~~metropolitan area, All Items~~, or a successor index thereto, as determined by the U.S. Department  
15 of Labor, Bureau of Labor Statistics. All towing service fees must be based on a flat, hourly rate  
16 only and will apply without regard to the hour of day, day of the week or whether the service was  
17 performed on a Saturday, Sunday, or state recognized holiday. The hourly fee for each class of  
18 truck must:

19                   1. Be the only basis used by the tow company to compute total charges for private  
20 impound towing services, other than the uncompleted tow, storage and after-hours release fees  
21 allowed in subsections 6.214.220.B, C, and D.

22                   2. Include all ancillary activities including, but not limited to necessary winching,  
23 dolly service, drive line removal, installation of chains on the tow truck, installation of portable  
24 lights, vehicle hookup for towing or transporting, tire replacement and standby time.

25                   3. Include the labor of one person per truck. No charges for additional labor are  
26 allowed for Class A, D, and E private impound tows.

1           4. The hourly fee must be applied to the resulting net time and, after the first hour,  
2 must be rounded to the nearest fifteen minutes. A tow company may charge the hourly fee for the  
3 first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly fee  
4 may be charged for each fifteen minutes of towing service work performed.

5           B. Uncompleted tow fee: Tow companies may charge no more than the maximum hourly  
6 towing service fee specified in subsection 6.214.220.A for an uncompleted tow. Beginning with  
7 the first hour, no more than one quarter of the hourly fee may be charged for each fifteen minutes  
8 of towing service work performed. Reimbursement for time spent on an uncompleted tow can  
9 only be computed from the time of dispatch to the time the car is released to the vehicle operator.

10           C. Storage fee: The maximum storage fee that tow companies may charge for storing a  
11 private impound vehicle shall be no more than \$15.50 for each 12-hour increment. The Director  
12 shall revise by rule the maximum storage fee for private property impounds to match the  
13 maximum storage fee allowed under the City towing contracts relating to public impounds  
14 performed for the Seattle Police Department made pursuant to Chapter 11.30, whenever there is  
15 a change to the storage rates under those contracts.

16           D. After hours release fee: The maximum fee that a tow company may charge to release a  
17 privately impounded vehicle outside of normal business hours may not exceed \$100. The  
18 Director may adjust the maximum fee by rule upon written findings by the Director that reasons  
19 to do so exist. The Director shall consider the number and frequency of after-hours releases, the  
20 effect of the fee on consumers, the costs to tow companies, and any other factors related to after-  
21 hours releases.

22           The limitations set out in this Section 6.214.220 only apply if the towed vehicle is parked  
23 and upright, has all its wheels and tires attached, does not have a broken axle, and has not been  
24 involved in an accident at the location from which it is being impounded.

1           **6.214.230 Consent required for towing from privately-owned property**

2           A. No tow company shall perform any private impound without the consent of the  
3 vehicle operator, unless:

4                   1. the tow company has entered into a contract for private impounds with the  
5 owner of the property;

6                   2. signs are posted in compliance with Chapter 46.55 RCW;

7                   3. the property owner has authorized the tow company to remove the particular  
8 motor vehicle in accordance with RCW 46.55.080;

9                   4. the tow company tows the motor vehicle to a secure storage facility that is  
10 located within a reasonable distance of the property from which the vehicle was towed;

11                   5. the tow company has taken digital photographs to demonstrate that the vehicle  
12 as parked was subject to impound, showing: 1) the date and time; 2) the impounded vehicle from  
13 all four sides as parked prior to being hooked to a tow truck; 3) that the vehicle, as parked, was  
14 on the property governed by the contract between the private property owner or agent and the  
15 tow company; and 4) that appropriate signs were posted pursuant to Chapter 46.55 RCW.

16           B. No person in possession or control of private property shall authorize the towing of  
17 any motor vehicle parked for an unauthorized purpose or at a time during which such parking is  
18 not permitted on the private property without the consent of the vehicle operator, unless:

19                   1. the person in possession or control of the private property has contracted with a  
20 towing company for removal of vehicles parked on the property without authorization.

21                   2. signs are posted in conformance with Chapter 46.55 RCW.

22 Each violation of this subsection 6.214.230.B shall be a Class 1 civil infraction under Chapter  
23 7.80 RCW.

24           C. This Section 6.214.230 shall not apply to a motor vehicle parked in front of any  
25 driveway or garage entrance where the motor vehicle is blocking access to that driveway or  
26 garage entrance.

1           **6.214.240 Receipt required**

2           A. The tow company, or his/her agent, shall prepare a receipt for all services charged for  
3 in duplicate, using sequentially numbered forms for every towing service provided within Seattle  
4 city limits. The receipt will contain the following:

- 5                   1. Name, address, telephone number, and place of business of the operator;
- 6                   2. Washington State license number or fleet number of the towing service vehicle  
7 used in providing the service;
- 8                   3. Name and address of every person engaging the operator's service;
- 9                   4. License number, year, make, model and color of the vehicle towed;
- 10                  5. Name and address of the vehicle's registered owner, if known, or, in cases of an  
11 uncompleted tow, the name, address, and driver's license number of the person paying the fee for  
12 the uncompleted tow;
- 13                  6. Date, time and place service commenced, and terminated;
- 14                  7. Specific service(s) rendered;
- 15                  8. Total amount to be charged for all services, itemized by each particular service  
16 rendered (e.g. towing service, storage, after-hours release) and indicating the time spent for each  
17 if the service fee is calculated by time; ~~including storage and after hours release fees if~~  
18 applicable;
- 19                  9. The signature of the operator, driver, agent or employee providing the service;
- 20                  10. The signature of the person to whom the towing service was provided or to  
21 whom the vehicle was released or delivered, unless refused.

22                  11. Whether the tow service was voluntary or involuntary and if involuntary, if it  
23 was requested by a private or public entity.

24           The ~~operator~~ tow company, or his/her agent, shall deliver a copy of the receipt to the  
25 person paying the fee for an uncompleted tow or the person redeeming the vehicle from the  
26 operator's custody, and shall keep one copy, filed serially in order of the receipt number.

1           **6.214.250 Records to be kept**

2           A. Each tow company shall keep, maintain and store complete records, invoices and  
3 receipts for each transaction involving any towing service performed within Seattle city limits  
4 for a period of three years at the operator's place of business.

5           B. Each tow company shall maintain a log of, and forward to the Director upon request,  
6 each written complaint that the tow company receives. The tow company must include a notice  
7 of the action taken by the tow company to resolve the complaint and the disposition.

8           C. Each tow company shall keep all records required to be kept under this Section  
9 6.214.250 for a period of three years and shall permit the Director to carry out inspections of  
10 such records without notice.

11           D. Each tow company shall comply with the record requirements of Chapter 46.55 RCW  
12 and permit the Director to carry out inspections of such records without notice.

13  
14           **6.214.260 Unlawful Acts**

15           As of January 1, 2013, it is unlawful for any tow company, tow truck ~~operator~~ driver, or  
16 any agent of a tow company to:

17           A. Misdemeanors

18                 1. Demand or collect for towing service in excess of the maximum rates specified  
19 in Section 6.214.220.

20                 2. Demand or collect for towing service in excess of time spent providing the  
21 towing service or for services not rendered.

22                 3. In the case of an uncompleted tow, fail to release a vehicle when a person  
23 shows reasonable proof of ownership or authorization to operate the vehicle and provides  
24 payment of the fee allowed under Section 6.214.220.B. The tow truck driver must provide an  
25 itemized receipt in accordance with Section 6.214.240. ~~that has been, or is about to be, hooked or~~  
26 lifted but has not actually been moved or removed from the property when the vehicle operator

1 ~~returns to the vehicle and requests release of the vehicle.~~

2 B. Civil Infractions

3 1. Require any vehicle owner or operator to make any statement or sign any  
4 document promising not to dispute the validity of the tow or fees assessed or relieving the tower  
5 from responsibility for the condition of the vehicle or its contents.

6 2. Fail to release a vehicle pursuant to RCW 46.55.120 to any person authorized  
7 to redeem a vehicle under that section.

8 3. Remove a vehicle from any location unless:

9 a. The conditions of Section 6.214.230 are met;

10 b. Requested to so remove by a police officer or appropriate governmental  
11 official acting in his/her official capacity; or

12 c. The vehicle's registered owner, or the owner's authorized agent, engages  
13 the operator's service.

14 4. Block or otherwise interfere with the removal of a vehicle by a person properly  
15 claiming such vehicle.

16 5. Be beneficially interested in a contract, agreement, or understanding that may  
17 be made by or between a person having control or possession of private property and any agent  
18 of such person where the agent has been granted authority to sign an impound authorization.

19 6. Have a financial, equitable, or ownership interest in a firm, partnership,  
20 association, limited liability company, or corporation whose functions include acting as an agent  
21 or a representative of a property owner for the purpose of signing impound authorizations.

22 7. Enter into any contract or agreement or offer any program that provides an  
23 incentive to a person authorized to order a private impound to authorize an impound or number  
24 of impounds.

25 8. Go to the site of a vehicle accident for purposes of soliciting or procuring  
26 towing service business unless called by the owner of a vehicle, the rightful occupier of property

1 from which a vehicle is to be removed, or a police officer.

2 9. Fail to provide a receipt with all charges itemized as specified in Section  
3 6.214.240.

4 10. Fail to comply with record requirements as specified in Section 6.214.250.

5 C. Each violation of subsection 6.214.260.A shall be a misdemeanor and upon conviction  
6 punishable by a civil fine or forfeiture not to exceed \$1,000, or by incarceration for a term not to  
7 exceed 90 days, or by both such fine and incarceration, provided, however, that for each  
8 violation of subsection 6.214.260.A, restitution shall be mandatory.

9 D. Each violation of subsection 6.214.260B shall be a Class 1 civil infraction under  
10 Chapter 7.80 RCW.

11  
12 **6.214.270 Tow company license**

13 A. A tow company license is valid for no more than one year and expires on December  
14 31<sup>st</sup>.

15 B. A tow company shall obtain a separate tow company license for each separate office  
16 location.

17 C. The annual license fee is \$500.

18  
19 **6.214.280 Tow company license renewal**

20 A. If intending to renew its license, each tow company shall submit a renewal  
21 application, pursuant to the application requirements specified in Section 6.214.290, at least 60  
22 days prior to license expiration.

23 B. No tow company license shall be renewed unless the renewal fee has been paid and all  
24 outstanding penalties and interest assessed against the tow company have been paid.

1 C. A late penalty shall be assessed on all renewal applications received later than ten  
2 working days after the due date specified in this Section 6.214.280.A. The amount of the late  
3 penalty shall be 15 percent of the application fee required under subsection 6.214.270.C.

4 D. For all tow company license renewal applications received by the due date specified in  
5 Section 6.214.280, the Director shall issue a new license or notice of denial, to be effective upon  
6 the expiration of the tow company's existing license, at least 10 days prior to the expiration of  
7 the tow company's existing license.

8  
9 **6.214.290 Tow company license application**

10 A. Any person desiring to conduct business as a tow company within Seattle city limits  
11 shall file with the Director a signed and notarized tow company application on forms approved  
12 by the Director. The application shall include, but not be limited to, the following information:

13 1. The tow company's business or company name, business office street address  
14 and post office box address (if any), business facsimile number, business phone number, and  
15 email address where the tow company representative can generally be reached between 9:00 a.m.  
16 and 5:00 p.m. on all non-holiday weekdays. For purposes of this Section 6.214.290, the business  
17 office street address that the tow company lists on its application shall be the business office  
18 where its files are kept.

19 2. The form of business entity under which the tow company will operate (e.g.  
20 corporation, etc.).

21 3. If the tow company is individually owned, the name, business office street  
22 address (or home address if no office address), telephone number and date of birth of the owner,  
23 or if the applicant tow company is a corporation, partnership, limited liability company, or other  
24 business entity, the names, home and business addresses, telephone numbers, and dates of birth  
25 of all officers, directors, general and managing partners, registered agents, and of all other  
26 persons vested with authority to manage or direct the affairs of the legal entity or to bind the  
27

1 legal entity in dealings with third parties; the entity's true legal name, state of incorporation, or  
2 registration with the Secretary of State of the State of Washington (if any); State of Washington  
3 Unified Business Identifier; and any other information that the Director may reasonably require.

4 4. The name, address, phone number and date of birth of a tow company  
5 representative who is authorized by the tow company to act on its behalf in all business matters.

6 5. All locations of secure areas used by the tow company for vehicle storage and  
7 redemption.

8 6. The vehicle license and vehicle identification numbers of all tow trucks of  
9 which the applicant is the registered owner.

10 7. The rates that will be charged by the tow company subject to the maximum  
11 rates allowed by SMC 6.214.220.

12 8. Proof that all lots used for vehicle storage have been inspected and approved by  
13 the Washington State Patrol (most recent annual inspection) as required by RCW 46.55.060.

14 9. Copies of the most recent annual tow truck permits issued by the Washington  
15 State Patrol for each tow truck, pursuant to RCW 46.55.040.

16 10. Any other information required by Director's Rule or under regulations  
17 adopted pursuant to this Chapter 6.214.

18 B. An applicant or licensee shall inform the Director in writing within seven days of any  
19 change in the information required under this Section 6.214.290.

20 C. Each application submitted to the Director must be accompanied by the license fee set  
21 forth in subsection 6.214.270.C.

22  
23 **6.214.300 Standards for license denial**

24 The Director shall deny any tow company license application if the Director determines  
25 that:

26 A. A tow company license issued to the applicant or to any company in which the  
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1 applicant was an owner, officer or other principal has been revoked within one year of the  
2 application; or

3 B. Grounds exist for denial of a license under Section 6.202.230; or

4 C. The tow company does not have a current registration certificate as required by RCW  
5 46.55.020.

6  
7 **6.214.310 Standards for license suspension or revocation**

8 A. Suspension Standards. The Director shall suspend any tow company license issued  
9 under this Chapter 6.214 if the Director determines that:

10 1. The tow company or any tow truck ~~driveroperator~~ or any person employed,  
11 acting as an independent contractor for, or otherwise associated with the tow company has had  
12 one or more convictions of any unlawful act contained in subsection 6.214.260.A occurring  
13 during the preceding twelve month period. All suspensions issued under this subsection  
14 6.214.310.A.1 shall extend for one month or until expiration of the license, whichever occurs  
15 first.

16 2. The tow company or any tow truck ~~driveroperator~~ or any person employed,  
17 acting as an independent contractor for, or otherwise associated with the tow company has had  
18 two or more convictions of any unlawful act contained in paragraphs 1 through 9 of subsection  
19 6.214.260.B occurring during the preceding twelve month period. All suspensions issued under  
20 this subsection 6.214.310.A.2 shall extend for one month or until expiration of the license,  
21 whichever occurs first.

22 3. The tow company or any tow truck ~~driver operator~~ or any person employed,  
23 acting as an independent contractor for, or otherwise associated with the tow company has been  
24 determined by the Director to have three or more violations of any provision of this Chapter  
25 6.214 other than those contained in Section 6.214.260.

26 4. The tow company has failed to keep and maintain records required under  
27

1 Section 6.214.250 or has failed to allow the inspection by the Director of such records.

2 Suspensions issued under this subsection 6.214.310.A.3 shall continue until the violation is  
3 cured.

4 5. The tow company does not maintain a City of Seattle business license issued  
5 under Chapter 5.55. Suspensions issued under this subsection 6.214.310.A.4 shall continue until  
6 the violation is cured.

7 6. The tow company has been adjudicated to have committed one or more  
8 violations of the requirements of Chapter 46.55 RCW during the preceding twelve month period.

9 B. Revocation standards. The Director shall revoke a tow company license issued under  
10 this Chapter 6.214 if the Director determines that:

11 1. The tow company has had three or more convictions of any unlawful act  
12 contained in subsection 6.214.260.A occurring during the preceding twelve month period.

13 2. The tow company has had four or more convictions of any unlawful act  
14 contained in subsection 6.214.260.B occurring during the preceding twelve month period.

15 3. The tow company or any tow truck ~~driver operator~~ or any person employed,  
16 acting as an independent contractor for, or otherwise associated with the tow company has been  
17 determined by the Director to have five or more violations of any provision of this Chapter 6.214  
18 other than those contained in Section 6.214.260.

19 4. The tow company has been adjudicated to have committed three or more  
20 violations of Chapter 46.55 RCW during a twelve month period.

21 5. Any one or more of the grounds exists for a revocation of license under Section  
22 6.202.230.

23 C. Effective date of suspensions or revocations.

24 1. Suspension or Revocation. Suspensions or revocations become effective upon  
25 the date of any notice of suspension or revocation or, in the event of an appeal, when a ruling on  
26 appeal affirming the Director's findings is issued.

1 D. Lengths of suspension and revocations.

2 1. Unless a time period is specified in a particular section of this Chapter 6.214,  
3 suspensions shall extend one month or until the license expires, or until evidence is produced to  
4 the Director showing by preponderance that the violation is cured, whichever occurs first.

5 Revocations shall extend until the end of the annual license period.

6 2. Whenever a timely appeal is filed pursuant to Section 6.214.320, a licensee  
7 may continue to engage in the activity for which the license is required pending a final decision  
8 on appeal.

9  
10 **6.214.320 Notice and hearing for denials, suspensions and revocations.**

11 A. If the Director determines there are grounds to deny, suspend, or revoke a tow  
12 company license, the Director shall give written notice to a tow company. The notice shall be  
13 delivered either personally or by first class mail to the address provided on the most recent  
14 license application by the tow company. The notice shall state that the tow company is entitled to  
15 appeal the Director's findings to the Hearing Examiner, in accordance with Chapter 3.02, within  
16 15 days of the notice date.

17 B. If a tow company files a timely notice of appeal pursuant to Chapter 3.02, a hearing  
18 shall be scheduled and conducted by the Hearing Examiner according to the Hearing Examiner  
19 Rule of Practice and Procedure. At the Hearing Examiner hearing, the Director shall have the  
20 burden of proving by a preponderance of the evidence that grounds for denying, suspending, or  
21 revoking a tow company license existed.

22 C. The Hearing Examiner may affirm, modify or reverse the decisions of the Director.

23 D. In cases where the Director determines that a tow company has demonstrated a good  
24 faith intent to come into compliance with the requirements of this Chapter 6.214, in lieu of  
25 proceedings to deny, suspend or revoke a tow company license, the Director may enter into an  
26 agreement with the tow company concerning appropriate action to cure the grounds on which a  
27

1 license denial, suspension or revocation is based.  
2

3 **6.214.330 Complaint hotline**

4 The Director may establish a complaint telephone number.  
5

6 **6.214.340 Complaint process**

7 A. Upon receiving a complaint alleging a possible violation of this Chapter 6.214, the  
8 Director shall determine whether there are reasonable grounds to believe that a violation has  
9 occurred. If the Director determines that there are no reasonable grounds to believe that a  
10 violation occurred, or that the violation was inadvertent and minor, the Director shall dismiss the  
11 complaint. If the Director does so dismiss the complaint, he or she shall do so in writing, setting  
12 forth the reasons for the dismissal. If the Director determines that there are reasonable grounds to  
13 believe that a violation has occurred and that the violation was not inadvertent and minor, the  
14 Director may do one or more of the following:

15 1. Issue a notice of complaint to the applicable tow company representative  
16 advising such person of the allegation(s) made in the complaint.

17 2. Require the company to respond in writing to the allegation(s) in the notice of  
18 complaint within ten business days of receipt of the notice of complaint, including:

19 a. digital photographs to demonstrate that the vehicle as parked was subject  
20 to impound, showing: 1) the date and time; 2) the impounded vehicle from all four sides as  
21 parked prior to being hooked to a tow truck; 3) that the vehicle, as parked, was on the property  
22 governed by the contract between the private property owner or agent and the tow company; and  
23 4) that appropriate signs were posted pursuant to Chapter 46.55 RCW.

24 b. A copy of the contract between the tow company and property owner that  
25 was in effect at the time of impound;

26 c. Proof of written authorization with a signature, from the property owner  
27

1 requesting that the vehicle be impounded;

2 d. A copy of the invoice given to the vehicle owner showing details of all  
3 charges made for the private impound and storage; and

4 e. A written response to the specific allegations made in the complaint.

5 3. Require the tow company to investigate the allegation(s) in the notice of  
6 complaint.

7 4. Order the tow company to take appropriate action to resolve the complaint if  
8 the tow company is adjudicated by a court or determined by the Director to be in violation of this  
9 Chapter 6.214. The tow company shall notify the Director of the action taken.

10 B. For any violation of this Chapter 6.214, the Director may enter into an agreement  
11 with the tow company concerning appropriate action to resolve the complaint. For any act  
12 deemed unlawful under this Section 6.214.260, the Director may enter into such agreements in  
13 lieu of prosecution.

14 C. The tow company may request a hearing to contest any complaint or order of the  
15 Director made pursuant to this Section 6.214.340 by filing a written request for review with the  
16 Director, submitted by the person named in the order, within ten business days after the date of  
17 the order. Any such complaint or order shall state that the tow company is entitled to a hearing to  
18 introduce any evidence to refute or mitigate the allegations relating to the complaint or order.  
19 Upon receipt of a written request for review, the Director shall set a hearing date and time to be  
20 held as soon as possible and not more than 30 calendar days from the date of the request or the  
21 next business day after that if the 30th day falls on a weekend or holiday. The hearing shall be  
22 held by the Director or the Director's designee provided that the designee may not be a person  
23 who directly supervises the person who issued the complaint or order. The hearing shall be  
24 informal, but shall be recorded by electronic means provided by the Director. Within 20 calendar  
25 days of the hearing, the Director shall issue a written ruling including factual findings and the  
26 Director's conclusion with supporting reasons that affirm, modify or reverse the complaint or  
27

1 order. The decision shall be mailed by first class mail to each affected licensee at the address  
2 listed on the application.

3 D. Failure to respond in writing within ten business days to a notice of complaint or order  
4 of the Director shall constitute a waiver of the tow company's right to contest the allegation(s) in  
5 the complaint or order.

6 E. Nothing in this Section 6.214.340 shall be construed to limit the Director's authority to  
7 prosecute any criminal or civil action in an appropriate court for any act made unlawful under  
8 this Chapter 6.214.

9  
10 **6.214.350 City impound fee**

11 A. The City shall levy a City impound fee on all private impounds conducted in the city  
12 when the vehicle is redeemed. The amount of the fee shall be set by the Director by rule but shall  
13 not exceed more than \$15 per vehicle redemption.

14 B. The City impound fee shall be collected by the tow company performing the impound  
15 and shall be remitted to the Department of Finance and Administrative Services in the manner  
16 directed by the Director. The City impound fee shall be for the purpose of offsetting, to the  
17 extent practicable, the cost to the City of implementing, enforcing, and administering the  
18 provisions of this Chapter 6.214 and shall be deposited in an appropriate account to be specified  
19 by rule.

20  
21 **6.214.360 Rule-making authority**

22 The Director is authorized to promulgate and adopt rules pursuant to SMC Chapter 3.02  
23 to implement the provisions of this Chapter 6.214.

24  
25 **Section 5.** To pay for necessary costs and expenses incurred or to be incurred in 2012,  
26 but for which insufficient appropriations were made due to causes that could not reasonably have  
27

1 been foreseen at the time the 2012 Budget was adopted, appropriations for the following items in  
2 the 2012 Budget are increased from the funds shown as follows:

Fund	Department	Budget Control Level	Amount
Finance and Administrative Services Fund (50300)	Department of Finance and Administrative Services	Revenue and Consumer Protection (A4530)	\$37,120
General Subfund ((00100)	Finance General	Appropriation to General Fund Subfunds and Special Funds (2QA00)	\$37,100
Total			\$74,200

10  
11 **Section 6.** To implement the regulations in Chapter 6.214, the following new position  
12 will be created in Department of Finance and Administrative Services:

Department	Position Title	FTE	Position Type
Finance and Administrative Services	Licenses & Standards Inspector	1.0	Full Time

13  
14  
15  
16  
17 The Director of Finance and Administrative Services is authorized to fill this position  
18 subject to civil service and personnel rules and laws.

19  
20 **Section 7.** Sections five and six of this ordinance shall take effect on the effective date of  
21 this ordinance or November 1, 2012, whichever is later.

22  
23 **Section 8.** The several provisions of this ordinance are declared to be separate and  
24 severable and an order of any court of competent jurisdiction holding invalid any clause,  
25 sentence, paragraph, subdivision, section, or portion of this ordinance, or holding invalid the  
26

1 application thereof to any person or circumstance, shall not affect the validity of the remainder of  
2 this ordinance or the validity of its application to other persons or circumstances.

3  
4 **Section 9.** This ordinance shall take effect and be in force 30 days after its approval by  
5 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
6 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

7  
8 Passed by a 3/4 vote of all the members of the City Council the \_\_\_\_ day of  
9 \_\_\_\_\_, 2012, and signed by me in open session in authentication of its  
10 passage this \_\_\_\_ day of \_\_\_\_\_, 2012.

11  
12  
13 \_\_\_\_\_  
14 President \_\_\_\_\_ of the City Council

15  
16 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

17  
18 \_\_\_\_\_  
19 Michael McGinn, Mayor

20  
21 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

22  
23 \_\_\_\_\_  
24 Monica Martinez Simmons, City Clerk

25 (Seal)

26 Attachment A: Towing operators and towing licenses, repealed code sections.

27